

Introduced by Senator Hill

February 20, 2013

An act to amend Section 54953 of the Government Code, relating to local agencies.

LEGISLATIVE COUNSEL'S DIGEST

SB 338, as introduced, Hill. Local agency meetings: teleconferencing.

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend. Under the act, the legislative body of a local agency is required to post an agenda, as specified, at least 72 hours before a regular meeting of that body, and is prohibited from acting on or discussing any item not appearing on the agenda, except as provided. The act also authorizes a legislative body to use teleconferencing to conduct a meeting, subject to specified requirements, including that each teleconference location be accessible to the public and that at least a quorum of the members of the body participate from locations within the boundaries of the territory over which the local agency exercises jurisdiction.

This bill would require, if the legislative body of a local agency elects to use teleconferencing and a teleconference location is located outside the boundaries of the local agency, that the agenda be posted at that location at least 24 hours in advance of the meeting rather than 72 hours.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 54953 of the Government Code is
2 amended to read:
3 54953. (a) All meetings of the legislative body of a local
4 agency shall be open and public, and all persons shall be permitted
5 to attend any meeting of the legislative body of a local agency,
6 except as otherwise provided in this chapter.
7 (b) (1) Notwithstanding any other provision of law, the
8 legislative body of a local agency may use teleconferencing for
9 the benefit of the public and the legislative body of a local agency
10 in connection with any meeting or proceeding authorized by law.
11 The teleconferenced meeting or proceeding shall comply with all
12 requirements of this chapter and all otherwise applicable provisions
13 of law relating to a specific type of meeting or proceeding.
14 (2) Teleconferencing, as authorized by this section, may be used
15 for all purposes in connection with any meeting within the subject
16 matter jurisdiction of the legislative body. All votes taken during
17 a teleconferenced meeting shall be by rollcall.
18 (3) (A) If the legislative body of a local agency elects to use
19 teleconferencing, it shall post agendas at all teleconference
20 locations and conduct teleconference meetings in a manner that
21 protects the statutory and constitutional rights of the parties or the
22 public appearing before the legislative body of a local agency.
23 Each teleconference location shall be identified in the notice and
24 agenda of the meeting or proceeding, and each teleconference
25 location shall be accessible to the public. During the teleconference,
26 at least a quorum of the members of the legislative body shall
27 participate from locations within the boundaries of the territory
28 over which the local agency exercises jurisdiction, except as
29 provided in subdivision (d). The agenda shall provide an
30 opportunity for members of the public to address the legislative
31 body directly pursuant to Section 54954.3 at each teleconference
32 location.
33 (B) *Notwithstanding Section 54954.2 if a teleconference location*
34 *is located outside the boundaries of the local agency, the agenda*

1 *shall be posted at that location at least 24 hours in advance of the*
2 *meeting.*

3 (4) For the purposes of this section, “teleconference” means a
4 meeting of a legislative body, the members of which are in different
5 locations, connected by electronic means, through either audio or
6 video, or both. Nothing in this section shall prohibit a local agency
7 from providing the public with additional teleconference locations.

8 (c) No legislative body shall take action by secret ballot, whether
9 preliminary or final.

10 (d) (1) Notwithstanding the provisions relating to a quorum in
11 paragraph (3) of subdivision (b), when a health authority conducts
12 a teleconference meeting, members who are outside the jurisdiction
13 of the authority may be counted toward the establishment of a
14 quorum when participating in the teleconference if at least 50
15 percent of the number of members that would establish a quorum
16 are present within the boundaries of the territory over which the
17 authority exercises jurisdiction, and the health authority provides
18 a teleconference number, and associated access codes, if any, that
19 allows any person to call in to participate in the meeting and that
20 number and access codes are identified in the notice and agenda
21 of the meeting.

22 (2) Nothing in this subdivision shall be construed as
23 discouraging health authority members from regularly meeting at
24 a common physical site within the jurisdiction of the authority or
25 from using teleconference locations within or near the jurisdiction
26 of the authority. A teleconference meeting for which a quorum is
27 established pursuant to this subdivision shall be subject to all other
28 requirements of this section.

29 (3) For purposes of this subdivision, a health authority means
30 any entity created pursuant to Sections 14018.7, 14087.31,
31 14087.35, 14087.36, 14087.38, and 14087.9605 of the Welfare
32 and Institutions Code, any joint powers authority created pursuant
33 to Article 1 (commencing with Section 6500) of Chapter 5 of
34 Division 7 for the purpose of contracting pursuant to Section
35 14087.3 of the Welfare and Institutions Code, and any advisory
36 committee to a county sponsored health plan licensed pursuant to
37 Chapter 2.2 (commencing with Section 1340) of Division 2 of the
38 Health and Safety Code if the advisory committee has 12 or more
39 members.

1 (4) This subdivision shall remain in effect only until January 1,
2 2018.

3 SEC. 2. The Legislature finds and declares that Section 1 of
4 this act, which amends Section 54953 of the Government Code,
5 imposes a limitation on the public's right of access to the meetings
6 of public bodies or the writings of public officials and agencies
7 within the meaning of Section 3 of Article I of the California
8 Constitution. Pursuant to that constitutional provision, the
9 Legislature makes the following findings to demonstrate the interest
10 protected by this limitation and the need for protecting that interest:

11 Because teleconferencing provides a viable alternative for local
12 officials to attend public meetings when they are unable to be
13 present in person, which often occurs upon short notice,
14 maintaining the 72-hour time period for posting an agenda at a
15 teleconference location outside the boundaries of the agency could
16 result in the canceling and rescheduling of meetings, thus delaying
17 the people's business. Therefore, the health and safety of the people
18 of California are enhanced by giving governing bodies the authority
19 to post meeting agendas in teleconference locations outside local
20 agency boundaries within a shortened time period.